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1 IN THE UNITED STATES DISTRICT COURT FOR
2 THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4 ROBINA JENKINS,

5 Plaintiff,

6 Vs.

CASE NO.

2:05-CV-1049-C

7 NANCY L. WORLEY,

8 individually and in

9 her official capacity

as Secretary of State,

State of Alabama, et al.,

Defendants.

* * * * *

DEPOSITION OF ROBINA JENKINS,

taken pursuant to notice and stipulation
on behalf of the Defendant, in the offices
of the Alabama Personnel Department, 316
Folsom Administrative Building, 64 North
Union Street, Montgomery, Alabama, before
Nicole Paulk, Certified Shorthand Reporter
and Notary Public in and for the State of
Alabama at Large, on August 28, 2007,
commencing at 8:58 a.m.

Exhibit 1

Jenkins, USDC 05 cv 1049
SPD Mtn for Summary Judgment

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1 A. I started Brighton College in Melrose
2 Park, Illinois, and after the first year,
3 I did not want to go back.

4 Q. Okay. And then you -- and that was prior
5 to '79, I assume, and you moved down here.
6 And were you working while you were going
7 to school?

8 A. No.

9 Q. How were you supporting yourself when you
10 were going to school?

11 A. I lived at home.

12 Q. So your family was supporting you and
13 paying for your education?

14 A. That's correct.

15 Q. Okay. Tell me your employment history,
16 please, starting with the present and
17 working your way back.

18 A. I am currently employed with the Alabama
19 Real Estate Commission in the capacity of
20 departmental operations specialist. Prior
21 to my termination, I was departmental
22 program manager in the secretary of
23 state's office in the corporations

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1 division, and my working title was
2 corporations director. Prior to 19 -- I
3 was appointed to that position in 1997 by
4 Mr. Bennett, who was then secretary of
5 state.

6 Q. Okay.

7 A. Prior to that appointment, I had been
8 administrative assistant to the director
9 of the business and regulatory division.

10 Q. Still at secretary of state's office?

11 A. Yes.

12 Q. I'm sorry, administrative assistant to?

13 A. The director of the business and
14 regulatory division. However, that office
15 was reorganized and the three sections
16 that made up the business and regulatory
17 division became individual, separate
18 divisions.

19 Q. The three sections who made up that one
20 separated to three?

21 A. Right.

22 Q. Okay. And that happened when, '97? Is
23 that what you said?

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1 A. Yes.

2 Q. How did you get along with Ms. Kendrick?

3 A. The best year professionally for me was
4 the last year of Mr. Bennett's
5 administration, and that's because she had
6 moved from the Capitol over to the -- her
7 office over to the State House, and I
8 could -- I was able to just accomplish a
9 lot of things. But I adored her, you
10 know, for being supportive of me and my
11 efforts in that office, so, you know, she
12 was there for me.

13 Q. Okay. Would it be a fair statement to say
14 that you had a professional and cordial
15 relationship?

16 A. Yes.

17 Q. Did you have any reason to think that she
18 in some way did not like you or did not
19 respect you in any way?

20 A. You mean Ms. Kendrick?

21 Q. Yes, Ms. Kendrick.

22 A. I -- no. If she did that, she didn't do
23 it in my presence, so...

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1 Q. So you have no reason to believe that she
2 had any animosity toward you?

3 A. No. If she did, it was -- I never -- I'm
4 sensitive to racism and disparate
5 treatment and everything else, but in this
6 instance, if she was -- it was just a
7 professional relationship for me, and she
8 was supportive. And the last year of
9 Mr. Bennett's administration for me
10 professionally was probably the best year
11 for me. I accomplished more, but I had
12 her support, yes.

13 Q. Do you think she treated you fairly?

14 A. I hope so.

15 Q. Do you have any reason to doubt that?

16 A. No. But, you know, when you're talking
17 about that, it's like my expectation as a
18 black person too, you know, so -- would
19 play into that answer.

20 Q. Can you think of anything that she did
21 that you felt like she did not give you a
22 fair shot or that she treated you fairly?

23 A. No, because she normally deferred to my

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1 experience and knowledge in my job.

2 Q. Okay.

3 A. As a matter of fact, she gave me a great
4 evaluation, one of my best evaluations.

5 It was her comments, you know, that I'm
6 referring to, though. She could see how
7 conscientious I was.

8 Q. Did you know Vicky --

9 A. -- Baylow.

10 Q. -- Baylow. Do you know Vicky Baylow?

11 A. Yes. One of her sons interned in our UCC
12 section.

13 Q. And what was your relationship with Vicky
14 Baylow?

15 A. It was nice. They all went to my baby
16 shower in west Montgomery, so I was
17 impressed.

18 Q. So Vicky Baylow and Hilda Kendrick are
19 longtime merit system employees over
20 there?

21 A. Ms. Kendrick was an appointee. Ms.
22 Baylow, yes, she was a merit system
23 employee.

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1 appraisal.

2 Q. And that's your testimony?

3 A. Yes.

4 Q. That's your understanding of it?

5 A. Yes.

6 Q. Okay. And the person -- then in your
7 testimony, the person with the lowest
8 annual rating is laid off?

9 A. Yes.

10 Q. Okay. Now, what is your understanding of
11 someone being in an acting capacity?

12 A. That they're in that acting capacity for
13 some reason because the person who
14 normally is in that position is maybe
15 unable to do their job or they're in --
16 waiting for -- to fill that position.

17 Q. Do you think there's anything wrong with
18 someone being in an acting capacity?

19 A. No.

20 Q. Okay. Have you ever served in an acting
21 capacity?

22 A. No.

23 Q. Have you ever served as an acting

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1 supervisor of licensing?

2 A. No.

3 Q. I'll show you what I'm marking as
4 Defendant's Exhibit 1 and ask you if you
5 can identify it.

6 (The referred-to document was
7 marked for identification as
8 Defendant's Exhibit No. 1.)

9 A. Oh, you mean at the real estate
10 commission. I'm sorry.

11 Q. Well, I asked you if you have ever been an
12 acting -- served in an acting capacity,
13 and you said no; then I asked you
14 specifically if you've ever served as
15 acting supervisor for licensing and you
16 said no. Now you --

17 A. Well, my mind was thinking we were talking
18 about the secretary of state's office, and
19 in that office, no, I have never served in
20 any acting capacity.

21 Q. Okay. But you have served as an acting
22 capacity, then?

23 A. Right.

1 Q. And you're currently serving as an acting
2 capacity?

3 A. Well, they haven't called me acting, but I
4 guess so.

5 Q. Well, you said you were acting.

6 A. Well, the supervisor returned within four
7 months of my being there and went back to
8 her position even before my six-month
9 temporary status was over.

10 Q. So February 13th of '06 when you put down
11 you were acting supervisor, was that
12 correct?

13 A. Well, I know how that happened.

14 Q. Was that a correct statement or not?

15 A. No, it wasn't, because that was an
16 application that I keep several copies of,
17 and I --

18 Q. Okay. Well, you certified that you --
19 that all statements attached to this
20 application are true and correct. I know
21 false statements may cause me to be denied
22 a chance for testing, to be removed from
23 the register, or to be released from

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1 A. Well, they had just come into the system
2 in the last two or three years, but they
3 were at IT making more money -- you know,
4 whether -- how much money they made really
5 doesn't matter, but the thing is, there I
6 was with 18 years of longevity, but that
7 didn't mean anything in the end.

8 Q. So you're -- from what I understand you to
9 say is you just disagree with the way the
10 layoff process works. You just think that
11 you should take the years of service and
12 lay people off that way. Is that your
13 belief?

14 A. Do you think it's fair to lay off an
15 18-year employee?

16 Q. I get to answer -- ask the questions here;
17 you have to answer them.

18 A. And the question again, please?

19 MS. BYRNE: Please read it back.

20 (Requested portion of record
21 read, Page 85, Line 8.)

22 A. Yes. And I also believe that if you have
23 one black and one white in a

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1 classification, that you would back off of
2 that immediately.

3 Q. Okay. So race should enter into a layoff
4 plan as well as we just need to go by
5 years of service?

6 A. Yes.

7 Q. And if there's a black and a white in the
8 classification, we just need to forget
9 that classification?

10 A. I think so.

11 Q. Okay. And that's the basis of your
12 lawsuit, is a disagreement with the way
13 that the layoff plan has been implemented
14 because you have a better solution?

15 A. Those are your words, not mine.

16 Q. Well, isn't that what you just said, that
17 you disagree with the layoff plan?

18 A. Yes, but --

19 Q. And you think that it should be based on
20 the years of service, correct?

21 A. Yes.

22 Q. And you think that anytime a
23 classification has a black and white, that

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1 Q. And obviously, if both are white, you
2 wouldn't have a problem with them being
3 laid off?

4 A. I wasn't making it a racial issue, but I
5 guess, you know --

6 Q. You're not making it a racial issue that
7 if a black and a white is in a
8 classification, you should exclude it?

9 MR. WILSON: Object to the form.

10 Q. Is that not a racial issue?

11 A. Not the way you said with your inflection.

12 Q. Is it a racial issue or not that you have
13 a black and a white and you don't think
14 they should be laid off if there's a black
15 and a white?

16 A. I think it --

17 MR. WILSON: I want to object to
18 the form. It's not an issue
19 in the case. I'm directing
20 my client not to respond to
21 the question.

22 MS. BYRNE: And certify that.

23 And I again tell you, you

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1 the State personnel board in their
2 individual capacity?

3 A. Because I felt in their capacity that they
4 were supposed to protect me from the Nancy
5 Worleys of State service.

6 Q. Did you ever contact them?

7 A. No.

8 Q. Did you ever tell them you thought you had
9 been mistreated?

10 A. No.

11 Q. Did you ever file anything over here?

12 A. No.

13 Q. Do you have any idea how many layoffs
14 occurred in 2003?

15 A. No.

16 Q. Do you have any recollection as to whether
17 or not there were, in fact, other layoffs
18 --

19 A. Yes.

20 Q. -- in the State?

21 A. Yes, I do.

22 Q. Do you know how many people ended up being
23 laid off?